

02-28-07 IAP15 Rec'd PCT/PTO 26 FEB 2007 PCT



PATENT

Attorney Docket No.: UCSD1720-2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Fenical et al. Art Unit: 1651
Application No.: 10/577,010 Examiner: Not Yet Assigned
I.A. Filing Date: October 25, 2004 Conf. No.: 7238
Title: METHOD FOR THE PRODUCTION OF BIOACTIVE SUBSTANCES
FROM THE NOVEL ACTINOMYCETE TAXON MAR2
("MARINOPHILUS")

Mail Stop PCT

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450


RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS UNDER 35

U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

Sir:

In response to the Notification of Missing Requirements under 35 U.S.C. 371 mailed December 26, 2006, enclosed are:

1. One (1) copy of the Notification of Missing Requirements under 35 U.S.C. 371 mailed December 26, 2006 (2 pages);
2. One (1) executed Declaration for Patent Application (5 pages);
3. Check No. 584821 in the amount of \$415.00; and
4. Return Receipt Postcard.

CERTIFICATION UNDER 37 CFR §1.10 "EXPRESS MAIL" Mailing Label Number: EV 841 623 625 US Date of Deposit: February 26, 2007	
I hereby certify that this correspondence is being deposited with the United States Postal Service as "Express Mail Post Office to Addressee" with sufficient postage on the date indicated above and is addressed to: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.	
TIMOTHY LASHER (Name of Person Mailing Paper)	
 (Signature)	February 26, 2007 (Date)

In re Application of:

Fenical et al.

Application No.: 10/577,010

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Page 2

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Applicants claim **SMALL ENTITY** status in the above-identified application. Pursuant to 37 C.F.R. § 1.27, a verified statement claiming small entity status is not required.

The filing fee has been calculated as follows:

	Number Filed		Number Extra		Rate			Fee	
					Small Entity	Large Entity		Small Entity	Large Entity
Total Claims	22-20	=	2	X	\$25	\$50	=	\$ 50.00	\$.00
Independent Claims	1-3	=	0	X	\$100	\$200	=	\$.00	\$.00
Multiple Dependent Claims Present: ____ Yes <u>x</u> No					\$180	\$360		N/A	N/A
Fee for Each Additional 50 Sheets in Excess of 100 Pages					\$125	\$250		N/A	N/A
					FILING FEE			[\$ 150.00]	\$ 300.00
					SEARCH FEE			\$ 200.00	\$ 400.00
					EXAM FEE			\$ 100.00	\$ 200.00
					SURCHARGE FEE			\$ 65.00	\$ 130.00
					TOTAL FEE			\$ 415.00	

Enclosed is Check No. 584821 in the total amount of \$415.00; which consists of \$200.00 for the search and related surcharge fees, \$100.00 for the exam fee, \$40.00 for the fee for 2 claims in excess of 20 claims and \$65.00 for the late filing fee/declaration surcharge fee pursuant to 37 CFR 1.492(h). The Commissioner is hereby authorized to charge any other fees that may be associated with this communication, or credit any overpayment to Deposit Account No. 07-1896. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

Date: February 26, 2007



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USPTO CUSTOMER NUMBER 28213

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UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/577,010	William H. Fenical	UCSD17202

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INTERNATIONAL APPLICATION NO.	
PCT/US04/35219	
I.A. FILING DATE	PRIORITY DATE
10/25/2004	10/24/2003

CONFIRMATION NO. 7238

371 FORMALITIES LETTER



OC00000021727323

Date Mailed: 12/26/2006

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 04/24/2006
- Copy of the International Search Report filed on 04/24/2006
- Preliminary Amendments filed on 04/24/2006
- Oath or Declaration filed on 04/24/2006
- Request for Immediate Examination filed on 04/24/2006
- U.S. Basic National Fees filed on 04/24/2006
- Priority Documents filed on 04/24/2006

RECEIVED

DEC 28 2006

DLA PIPER

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Additional claim fees of \$50 as a small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.
- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
 - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$415** for a Small Entity:

- **\$65 Surcharge.**
 - The application search fee has not been paid. Applicant must submit **\$200** to complete the search fee. Note a surcharge will be required if submitted later than commencement of the national stage (37 CFR 1.492(h)) and the basic national fee was not paid before July 1, 2005. *extra \$150*
 - The application examination fee has not been paid. Applicant must submit **\$100** to complete the examination fee for a small entity in compliance with 37 CFR 1.27. Note a surcharge will be required if submitted later than commencement of the national stage (37 CFR 1.492(h)) and the basic national fee was not paid before July 1, 2005.
- Total additional claim fee(s) for this application is **\$ 50**
 - **\$50** for 2 total claims over 20.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.
<https://portal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at **1-866-217-9197** or visit our website at <http://www.uspto.gov/ebc>.

If you are not using EFS-Web to submit your reply, you must include a copy of this notice.

CHARITTA A BURT

Telephone: (703) 308-9140 EXT 207

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/577,010	PCT/US04/35219	UCSD17202